TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES

No. ~~512.~~ 288

THE UNITED STATES, APPELLANTS,

vs.

RALPH MELDRIM.

APPEAL FROM THE COURT OF CLAIMS.

FILED FEBRUARY 25, 1871.

SUPREME COURT OF THE UNITED STATES.

No. 512.

THE UNITED STATES, APPELLANTS,

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1 *Petition.*

United States Court of Claims.

RALPH MELDRIM
vs.
THE UNITED STATES.

To the honorable the United States Court of Claims:

The petition of Ralph Meldrim, a citizen of the United States, and a resident of Savannah, in the State of Georgia, showeth:

That, in the month of March, 1865, your petitioner was the owner and in possession of eleven bales of upland cotton, classed as good quality, weighing 6,097 pounds, and twenty-four bags of Sea Island cotton, of good quality, weighing 7,190 pounds, and bearing different marks, and then stored in the said city of Savannah.

That, in the said month of March, 1865, after the occupation of said city by the United States forces, your petitioner, in obedience to orders from the military authorities of the United States, then holding and governing said city, reported said cotton as his, and in his possession; and afterwards, to wit, in the same month of March, all of said cotton was seized and taken possession of by Lieut. Col. H. C. Ransom, acting, as your petitioner is informed and believes, under the orders of the War Department, but without the consent of your petitioner, and against his will; and that no part of said cotton, or the proceeds thereof, was appropriated in any way to the use of the Army or Navy of the United States; but that said cotton was turned over by the officer seizing it, to an agent of the Treasury Department, by whom it was sold, and the nett proceeds thereof paid into the Treasury of the United States.

Your petitioner avers that he is unable to state the precise amount
2 for which said cotton was sold, or the expenses attending the seizure, shipment, transportation, and sale; but he states, on information and belief, that the said cotton was sold by the agent of the Treasury Department, as follows, to wit, for seventy-five cents per pound, the aggregate of sale being nine thousand nine hundred and sixty-five dollars and twenty-five cents, and the expenses thereof did not exceed five per cent., and the nett proceeds thereof which have been paid into the Treasury of the United States, amount to nine thousand four hundred and sixty-seven dollars.

Your petitioner further shows that his cotton had never been abandoned or forfeited, nor become liable to confiscation under any of the acts of Congress, in that behalf made and provided; and that it was not liable to seizure or capture under the laws of nations, nor under the laws and usages of war; and that no proceedings, for the purpose of condemning said cotton, have ever been instituted in any court, or before any tribunal.

Your petitioner avers that his property having been taken possession of by the United States Government, and appropriated by it, an implied contract has arisen to make your petitioner just compensation therefor, by paying him all said cotton was reasonably worth at the time and place it was so taken from him as aforesaid.

Your petitioner further shows that said cotton was worth at the time of its seizure, as he verily believes, the sum of $9,965 25, which amount he is entitled to recover from the United States, under the implied contract as above.

Your petitioner further shows that if there has been a valid and law-

ful capture of said cotton, which he understands is asserted by the United States, he is nevertheless entitled to receive the nett proceeds of it, amounting to the said sum of $9,467 00, as he verily believes, under the provisions of the act of Congress, approved March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States."

Your petitioner further shows that he has never in any way
3 voluntarily aided, abetted, or encouraged the late rebellion against the Government and authority of the United States.

COOLEY & CLARKE,
Sol'rs for Claimant.

RALPH MELDRIM, being duly sworn, deposeth and saith that he is the claimant named in the foregoing petition, and that no assignment or transfer of said claim, or any part thereof, or any interest therein has been made; that he is justly entitled to the amount therein claimed from the United States, after allowing all just claims and offsets, and that he believes the facts stated in said petition to be true.

RALPH MELDRIM.

Subscribed and sworn to before me this 16th day of May, A. D. 1867, at Savannah.

H. C. HOLCOMBE,
Clerk U. S. Dist. C't for S. D. Ga.

P. O. address of claimant, Savannah, Ga.
P. O. address of counsel, Cooley & Clarke, Washington, D. C.

4 In the United States Court of Claims. December term, A. D. 1867.

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And the said defendants, by their solicitor, come and make answer to the petition of the claimant herein; and, not confessing the same, or any part thereof, deny each and every the allegations therein contained, and call for strict proof of the same.

And as to so much of the said petition as sets forth and avers that the said United States are indebted to the said claimant in the sum of nine thousand four hundred & sixty-seven dollars, the said defendants say that they are not indebted to the said claimant in the said sum of money, nor any part thereof.

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and never voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the said defendants deny the said allegation.

E. P. NORTON,
Solicitor for the United States.

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And for a further plea to the said petition the said defendants say

that the said claimant ought not to have or maintain his aforesaid action against the said defendants, because they say that the said claimant did not, "within two years after the suppression of the late rebellion, prefer his claim to the proceeds" of the property mentioned and described, in the Court of Claims, as provided by the 3d section of the act of Congress approved March 12, 1863, and entitled "An act to to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States."

T. LYLE DICKEY,
Assistant Attorney General.

And for a further plea to the said petition the said defendants say that the said claimant ought not to have or maintain his aforesaid action against the said defendants, because they say that the said claimant, at the time of the filing of his said petition, was alien, and that the said seizure and taking possession of the said property named in the said petition, and the said several acts and doings of the defendants, their officers, servants, and agents therein set forth, were made and done in the administration of, and in virtue and under color of, the act of Congress entitled "An act to provide for the collection of abandoned & captured property and for the prevention of frauds in insurrectionary districts within the United States," approved March 12, 1863.

Whereby and by virtue of the provisions of the act of Congress entitled "An act regulating judicial proceedings in certain cases, for the protection of officers and agents of the Government, and for the better defence of the Treasury against unlawful claims," approved July 27, 1868, the claimant is barred of his said action against the defendants.

T. LYLE DICKEY,
Assistant Attorney General.

5 United States Court of Claims.

RALPH MELDRIM
vs.
THE UNITED STATES. } No. 2784.

Replication.

1. And now comes the claimant, by his solicitors, and for replication to the first plea of the defendant, herein pleaded, says that he denies that the said claimant did not, within two years after the suppression of the rebellion, prefer his claim to the proceeds of the property mentioned and described in said petition, in the Court of Claims, as provided by the 3d section of the act of Congress, approved March 12, 1863, entitled "An act for the collection of abandonded property," &c., as alleged in the said defendant's plea. And this he prays may be inquired of by the court.

Wherefore, the said claimant prays judgment.

COOLEY & CLARKE,
Sol's for Claimant.

Filed Jan'y 13, 1869.

6 2. And for replication to the second plea of the said defendant, herein pleaded, this claimant says that he denies that the said claimant, at the time of filing his said petition herein, was an alien, or

that the said seizure and taking possession of the said property named in said petition, and the said several acts and doings of the defendants, their officers, servants, and agents, therein set forth, were made and done in the administration of, and in virtue and under color of, the act of Congress entitled

as alleged in the said plea. And this he prays may be enquired of by the court.

COOLEY & CLARKE,
Sols. for Claimant.

7 In the Court of Claims.

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And now, to wit, 4th of April, A. D. 1870, the court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Ralph Meldrim have and recover of and from the United States the sum of seven thousand four hundred & ninety-one dollars fifty-nine cents, ($7,491 59.)

By the court:
A true copy of record.

8 In the Court of Claims, Dec. term, 1869.

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To the Court of Claims:

The defendants hereby make application for the allowance of an appeal to the Supreme Court of the United States from the judgment rendered in this action on the 4th April, 1870, in favor of the claimant, for the sum of $7,491 59.

May 26, 1870.

ROB'T S. HALE,
Special Counsel for Treasury Dep't.

Filed in clerk's office May 27, 1870.

THO'S H. TALBOT,
Ass't Att'y Gen'l.

AT CHAMBERS, 28*th May*, 1870.

Ordered, That the appeal prayed in the case of Ralph Meldrim vs. The United States be allowed.

JOSEPH CASEY,
Ch. Justice.

9 RALPH MELDRIM
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The finding of facts and the conclusion of law on said facts on which the court founded its judgment.

The claimant asks judgment for the net proceeds of eleven bales of upland cotton and twenty-four bales of Sea Island, taken from him by the military authorities after the capture of the city of Savannah, where he resided; and the court find the following facts:

I. The city of Savannah was captured by the Army under Gen'l Sherman, on or about the 22nd of December, 1864. Some time in January, 1865, a military order was issued requiring all persons owning cotton to report it to the officer designated in the order. Under this order
10 the claimant reported that he owned and was in possession of the cotton in question.

II. In March, 1865, the cotton in question was found by the United States military as reported by the claimant, and taken by them to the warehouse occupied by the United States, and, with the other cotton seized by the military at Savannah, shipped to New York, and there sold by the United States cotton agent, and the net proceeds, amounting to $, paid into the Treasury.

III. We also find the loyalty of the claimant to the United States Government, and that he never gave any aid or comfort to the late rebellion.

IV. The claimant is shown to have been the owner of a mixed lot of cotton, Sea Island and upland, amounting to from twenty to
11 forty bales, stored in a building opposite his store, which he had purchased in the course of his business, a bale or two at a time, before the entrance of the Union Army into Savannah. This cotton was stored in a building on Congress and Market streets, when it was taken possession of by the military, and eleven bales of upland, and twenty-two of Sea Island, with two pockets and a quantity of loose cotton—Sea Island—was checked off and taken away by the Government officers, and eleven bales of upland and twenty-two Sea Island, registered and shipped, as shown in finding No. 2.

On these facts the court held, as a matter of law, that the claimant was entitled to recover, and gave judgment for the net proceeds of bales, amounting to $7,491 59.

By the court.

12 In the Court of Claims.

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I, John Randolph, assistant clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon; of the application of the Attorney General for the allowance of an appeal, as filed in the clerk's office May 27, 1870, and of the order of the Chief Justice of said court allowing the same; of the findings of fact & conclusions of law on said facts on which the court founded its judgment.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this 25th day of February, A. D. 1871.

JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 512. The United States, appellants, vs. Ralph Meldrim. Court of Claims. Filed 25th February, 1871.